

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION**

This document relates to:

City of New York v. Amerada Hess Corporation, et al.,
No. 04 Civ. 3417 (SAS)

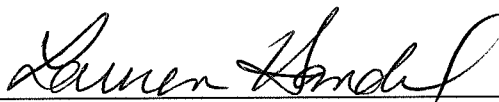
Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**DEFENDANTS' JOINT MOTION *IN LIMINE*
TO EXCLUDE EVIDENCE AND ARGUMENT REGARDING PLAINTIFF'S
PAST AND FUTURE INVESTIGATION AND TREATMENT COSTS
UNTIL IT PROVES ACTUAL INJURY**

PLEASE TAKE NOTICE that on May 11, 2009, at the United States Courthouse at 500 Pearl Street New York, New York, Defendants¹ hereby move this Court for an Order precluding Plaintiff City of New York ("Plaintiff") from presenting at trial evidence regarding past and future costs for investigation and treatment of MTBE until and unless Plaintiff establishes actual injury. Defendants rely upon the accompanying Memorandum of Law, and any reply brief or oral argument that may be submitted or made by Defendants in connection with this Motion..

Dated: May 11, 2009

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and on Behalf of All Remaining Defendants*

¹ This motion is filed on behalf of Exxon Mobil Corporation; ExxonMobil Oil Corporation; Mobil Corporation; Lyondell Chemical Company; Equistar Chemicals, LP; Crown Central LLC; and Total Petrochemicals USA, Inc. (collectively, "Defendants").